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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,379	01/22/2001	Bertram Gunzelmann	GR 98 P 8060 P	2354

7590 02/06/2004

LERNER AND GREENBERG, P.A.
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EXAMINER

AHN, SAM K

ART UNIT	PAPER NUMBER
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2634

8

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,379

Applicant(s)

GUNZELMANN ET AL.

Examiner

Sam K. Ahn

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1-4 are objected to because of the following informalities:

Claims 1 and 4, lines 6 and 23, respectively, recite "--- a locally generated spread sequence---", which was already recited in lines 3 and 19, respectively.

Therefore, the Office suggests replacing it with "--- the locally generated spread sequence---" for clarity.

Claim 2, line 14, recites "the count results". The Office suggests replacing the limitation with "count results" for clarity, wherein claim 3 directly depend on claim

2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 4, lines 6 and 23, respectively, recite the limitation of "correlating the received spread sequence". The specification and the illustration of figure 2 discloses storing the received spread sequence prior to any further processing. However, the claim recites correlating the received spread sequence, rather than correlating the stored, received spread sequence.

The specification does not describe correlation of the received spread sequence, but correlation of the sequences stored in the memory with the locally generated sequences. Therefore, the claims contain subject matter which was not described in the specification to enable one skilled in the art to make or use the invention.

Claim 2, line 3, recites "k section variants each having m bits", wherein "the binary-coded spread sequence" has "m bits" as mentioned in claim 1, line 3. It appears that $m=1024$, which is the length of the spread sequence. The specification does not describe each k section variants each having m bits.

Furthermore, please further explain the relationship between the oversampling rate of $i*f$ and $k*f$, as described in claim 1 and 2, respectively.

Claims 3 and 5 directly depend on claim 2 and 4, respectively.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4, lines 8 and 25, respectively, recite the limitation of "processing the stored, received spread sequence". The claim language is unclear and indefinite as to what processing is performed at the oversampling rate.

Claims 2, 3 and 5 directly or indirectly depend on claim 1 or 4.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiemann et al. teach storing received spread sequence prior to correlating.

Gunzelmann et al., by common inventor and assignee, teach correlation of received spread sequence.

Dixon et al., Lipa, Dent et al., Sourour et al. and Baker et al. teach memory for storing received spread sequence prior to correlating with locally generated sequences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Ahn** whose telephone number is **(703) 305-0754**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Alexandria, VA 22313-1450

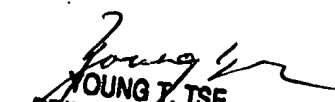
or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Sam K. Ahn
2/2/04


YOUNG T. TSE
PRIMARY EXAMINER